

09/806635
HUBR 1186 (10102736)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Dony, et al.
Serial No. : 09 806.635
Filing Date : April 2, 2001
For : USE OF A MELANOMA INHIBITING ACTIVITY
FACTOR (MIA) FOR CARTILAGE AND BONE
REPAIR

July 12, 2001

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on July 12, 2001

Eileen Shetfield

Signature

Date

**RESPONSE TO NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION
AND NOTIFICATION OF A DEFECTIVE RESPONSE**

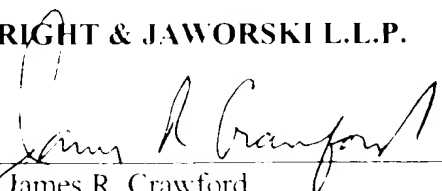
SIR:

In response to the Notification of a Defective Oath or Declaration and the Notification of a Defective Response dated June 25, 2001 (copies attached), enclosed is a copy of a Request for the Recordal of a Change under Rule 92^{bis} together with a Power of Attorney filed in the parent PCT application. If any fees are due to maintain pendency of this application, authorization is granted to charge such fees to Deposit Account No. 50-0624.

Respectfully submitted.

FULBRIGHT & JAWORSKI L.L.P.

By


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Enclosure



UNITED STATES PATENT AND TRADEMARK OFFICE

AND TRADEMARK OFFICE

09/806635

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/806635	JOHNS	HUBER- 1186
INTERNATIONAL APPLICATION NO.		
PCT/DO/EO/905		
LA FILING DATE	PRIORITY DATE	
01/27/00	01/28/00	
DATE MAILED 06/25/01		

NOTIFICATION OF A DEFECTIVE RESPONSE

1. ☐ The request for an extension of time (37 CFR 1.136(a)) filed _____ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).
2. ☐ Applicant's response filed _____ was received in the Office after the expiration of the period for response set in the Office notification mailed _____. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).
3. ☒ Applicant's response filed 04 JULY 2001 is hereby acknowledged. The following requirements set forth in the NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 27 APRIL 2001 have not been completed.

- ☐ Translation of the international application into English.
- ☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ Processing fee (37 CFR 1.492(f)).
- ☒ Oath or Declaration of inventor(s).
- ☒ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO EO/917.
- ☐ Surcharge (37 CFR 1.492(e)).
- ☐ Sequence Listing.
- ☐ not in compliance with 37 CFR 1.821-1.825 for the reasons indicated on the attached PCT/DO/EO/920.
- ☐ Additional claim fees.

If there is a change to INVENTOR LESER ULRIKE'S name, please submit the relevant document. I do not have a form 16306 indicating any change.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements (Form DO/EO/905) may be extended under 37 C.F.R. § 1.136(a).

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

- Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation
- ☐ PCT/DO/EO/920

NEW YORK DOCKETING

Docketed ☒ Not Required ☐ Winston M. AlvaradoPreviously ☐ Updated ☐Docket No: HUBER 1186 Telephone: 703-305-6421Action: Response (1 mo.)Reminder: 7/18/2001Date: Due/Date: 7/25/2001Initials: WMA

FORM PCT/DO/EO/916 (March 2001)

DOCKET DEPT.
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01 JUN 28 AM 10:53
BRIGHT & JAWORSKI LLP



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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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PUBLICATION

TITLE

INTERNATIONAL APPLICATION NO.

PUBLICATION

PUBLICATION

PUBLICATION

NEW YORK, NY 10001-3198

FILING DATE

PRIORITY DATE

DATE MAILED

DATE MAILED

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a), (b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☒ does not identify the inventor(s). *LESER ULRIKE*
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

Winston M. Alvarado

Telephone: 703-305-6421